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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,695	09/20/2000	George Henry Dodd	186618 (8830-210)	7700

7590 10/20/2005

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EXAMINER

PAK, JOHN D

ART UNIT PAPER NUMBER

1616

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/509,695	<b>Applicant(s)</b> DODD, GEORGE HENRY	
	<b>Examiner</b> JOHN PAK	<b>Art Unit</b> 1616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | <u>Paper No(s)/Mail Date. 10/14/2005</u>                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| <u>Paper No(s)/Mail Date _____</u>  | 6) <input type="checkbox"/> Other: _____                                    |

This Office action is in response to applicant's amendment of 7/25/2005. Claims 1-20 are pending in this application. Applicant has amended the originally examined claims, wherein the human female pheromone is no longer defined as a "volatile steroid of the androstene family."

In view of applicant's amendments and upon further consideration, restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-10, 16, 19-20, drawn to a fish attracting compositions that contain at least one human female pheromone, wherein said pheromone is trimethylamine salt.

Group II, claims 1-3, 5-20, drawn to a fish attracting compositions that contain at least one human female pheromone, wherein said pheromone is 5- $\alpha$ -androst-16-en-3- $\alpha$ -ol.

Group III, claims 1-3, 5-20, drawn to a fish attracting compositions that contain at least one human female pheromone, wherein said pheromone is a combination of trimethylamine salt + 5- $\alpha$ -androst-16-en-3- $\alpha$ -ol.

Applicant has presented amended claims that necessitate the above lack of unity determination. The common feature in all three invention groups is applicant's assertion that (i) trimethylamine salt, (ii) 5- $\alpha$ -androst-16-en-3- $\alpha$ -ol, and (iii) trimethylamine salt + 5- $\alpha$ -androst-16-en-3- $\alpha$ -ol have the same function or property as a human female pheromone (see e.g., specification page 5, lines 6-10; page 6, lines 22-23). However, according to PCT Rule 13.2, the alternative pheromonal compounds do not share a common structure (no structural similarity between a trimethylamine and a steroid) and

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do not belong to a recognized class of **chemical** compounds (simple amine vs. steroid). Moreover, all of the compounds asserted to be pheromones are known compounds, so such technical features do not define a contribution over the prior art.

For these reasons, the claims lack a unity of invention and fail to be so linked as to form a single general inventive concept.

It is noted that the Examiner and Mr. Cannuscio had preliminary discussions on October 11, 2005 and October 14, 2005 as to potential limitation of the claimed subject matter for further expedited examination, but no agreement could be reached. See the attached interview summary record.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to JOHN PAK whose telephone number is **(571)272-0620**. The Examiner can normally be reached on Monday to Friday from 8 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's SPE, Gary Kunz, can be reached on **(571)272-0887**.

The fax phone number for the organization where this application or proceeding is assigned is **(571)273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-1600.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'John Pak', is positioned above the printed name and title.

JOHN PAK  
PRIMARY EXAMINER  
GROUP 1600